

USSN 10/824,917

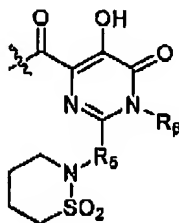
CT-2768 NP

## Remarks

**Status of the claims.** Claims 1-5, 7-8, and 10-15 are pending. Claims 6 and 8 have been cancelled. Claims 1-15 were rejected under 35 USC 103(a).

**Rejection under 35 USC 103(a).** The examiner rejected claims 1-15 as being obvious over compounds disclosed in Di Francesco et al., PCT Patent Application publication WO 03/035076. The applicants respectfully traverse.

The amended claims are directed to compounds where  $R^5$  is phenyl or heteroaryl substituted with 1 dioxothiazinanyl moiety.



In order to establish a prima facie case of obviousness, the examiner must show that the prior art suggests or motivates one skilled in the art to make the claimed compounds. Di Francesco does not teach or fairly suggest compounds with aryl groups that are substituted with dioxothiazinanyl at  $R^5$ . The applicants assert that the claimed compounds are not obvious over those disclosed in Di Francesco and respectfully request the examiner to withdraw the rejection based on 35 USC 103(a).

The applicants believe the application is now in allowable form and respectfully request favorable reconsideration. If any issues remain regarding the allowance of this application, the examiner is respectfully invited to contact the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail (james.epperson@bms.com).

Respectfully submitted,

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